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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,029	11/03/2003	Robert J. Simmons	J-BSIM.1005	3423
56703	7590	02/27/2006	EXAMINER	
ROBERT D. VARITZ, P.C. 4915 SE 33RD PLACE PORTLAND, OR 97202			LAUX, JESSICA L	
			ART UNIT	PAPER NUMBER
			3635	

DATE MAILED: 02/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/700,029	<b>Applicant(s)</b> SIMMONS, ROBERT J.	
	<b>Examiner</b> Jessica Laux	<b>Art Unit</b> 3635	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 November 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

### ***Specification***

The disclosure is objected to because of the following informalities: Page 6, lines 16 discloses "Column 12". The building frame structure is also referenced as 12 and the column is previously referred to and depicted as element 14.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simmons et al. (6837016) in view of McLaughlin (2513037).

In regards to claim 1: Simmons et al. discloses a collar for a column/beam connection comprising an angular-modularity, substantially planar plate (62, 64, 66, 68) having a pair of spaced, parallel-planar faces, one of which is anchorable at the end of an elongate structural I-beam to the beam's substantially planar central web and upper and lower, substantially parallel-planar flanges (Figures 2 and 6), where said plate has elongate, lateral edges (Figure 6), and is configured to be joined through said edges to the comparable lateral edges in a pair of angularly adjacent, other, like plates, thus to form therewith a portion of a collar adapted to wrap around the outside of an elongate structural column at a defined location along the length of the column (Figure 2), with the other face in the plate being adapted to face the outside of such a column, and along each of said plate's said lateral edges, a row of angularly oriented through-passages (Figure 2, 66 d-g; col. 6, lines 18-33), with each row lying along a line which will substantially parallel the plane of the central web in a beam having an end anchored to said one face in the plate.

Simmons et al. does not disclose the used of a hex nut-and-bolt assembly or that the chamber which receives the nut-and-bolt assembly has a pair of spaced, parallel-planar surfaces adapted, with respect to any nut residing in the chamber, to engage the nut, thus to prevent rotation of that nut about its associated assembly axis. McLaughlin

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teaches a captive nut that provides a nut and retaining means for holding the nut on one of a pair of members to be secured together so that when the pair of members are assembled a screw or bolt may be easily inserted therein and tightened (Col. 1, lines 1-8) and further teaches specifically the use of a hexagonal shaped nut (Col. 2, lines 5-6). McLaughlin teaches the nut to be inserted to engage parallel edges to prevent rotation of the nut when a screw is engaged (Col. 2, lines 33-38). It would have been obvious at the time the invention was made to modify the structure as taught by Simmons et al. to have two parallel surfaces within the through-passage chamber to engage the sides of a hexagonal nut as taught by McLaughlin as doing so would prevent the nut from rotating when the bolt is engaged allowing for the collar to be installed in a small area where there would not be room to have a tool hold the nut in place during installation.

In regards to claim 2: The structure of claim 1, wherein said surfaces in said chamber, with said plate anchored to the end of an I-beam, lie in planes that substantially parallel the planes of the I-beam's flanges. Figure 1 of McLaughlin shows a captive nut with substantially parallel sides on the upper and lower sides of the hexagonal nut.

In regards to claim 3: Simmons et al discloses the structure of claim 1 above, but does not disclose expressly that the spacings exiting between next-adjacent through-passages in each group are less than the spacing between the next-adjacent through-passages in the two groups. At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to space the through-passages of Simmons et al. to be as claimed because Applicant has not

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disclosed that the claimed spacing provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Simmons et al and applicant's invention to perform equally well with either spacing because both spacing dimensions would perform the same function of delivering beam moment loads as plural-position, angularly distributed compression loads to different side regions of columns. Therefore, it would have been prima facie obvious to modify Simmons et al. to obtain the inventions specified in claim 3 because such a modification would have been considered a mere design consideration which fails to patentably distinguish over the prior art of Simmons et al.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessica Laux whose telephone number is 571-272-8228. The examiner can normally be reached on Monday thru Friday, 8:30am to 4:00pm (est).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on 571-272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JL  
02/14/2006



Naoko Slack  
Primary Examiner